

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 20-37 remain pending in the present application, claims 32-37 having been withdrawn from consideration as being directed to a non-elected species. Claims 32-37 are subject to possible rejoinder. Claims 1-19 have been canceled without prejudice or disclaimer. Applicant has made a minor editorial amendment to independent claim 20.

Prior Art Rejection

Claims 1-13 and 20-31 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by *Yumoto et al.* (U.S. Patent 6,734,910). This rejection is respectfully traversed.

Initially, Applicant notes that claims 1-13 have been canceled without prejudice or disclaimer. Therefore, Applicant's response to the prior art rejection is presented in relation to the remaining claims that are subject to examination on the merits, i.e., claims 20-31.

Independent claim 20 is directed to an image pickup apparatus. The apparatus of claim 20 comprises: an image sensor for picking up a scene in response to a control signal to thereby output an image signal representative of the scene; a recording device for recording a plurality of frames of image signals; a selecting device for allowing an operator of the image pickup apparatus to select a desired one of the plurality of frames of image signals recorded in the recording device; and a controller operative in response to the selecting device for outputting the control signal to cause the image sensor to pick up the scene at preselected intervals and for controlling the recording device. The recording device records latest ones of a plurality of frames of image signals

picked up at the preselected intervals while sequentially updating the plurality of latest frames of image signals. The controller causes the recording device to hold frames of image signals picked up during a period of time based on a release operation, and causes non-selected frames of image signals, as distinguished from the one frame of image signal selected, existing in the recording device to be deleted.

The applied reference, *Yumoto*, discloses an electronic camera which, as illustrated in Fig. 1, includes an optical system 11; an image sensing section 12 for converting an image focused through the optical system 11 into electrical signals; memory 14 for storing image data; and a display section 40. In rejecting independent claim 20, page 7 of the Office Action relies on an overwrite operation discussed at col. 7, lines 13-22 of *Yumoto*.

Applicant notes, however, that this overwrite operation of *Yumoto* neither teaches nor suggests the control functions recited in claim 20 which, *inter alia*, cause the recording device to hold frames of image signals picked up during a period of time based on a release operation, and cause non-selected frames of image signals, as distinguished from the one frame of image signals selected, existing in the recording device to be deleted.

According to MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicant respectfully submits that *Yumoto* fails to anticipate independent claim 20, or any claim depending therefrom.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the Examiner's prior art rejection.

Conclusion

If the Examiner has any questions concerning this application, the Examiner is requested to contact the undersigned at the telephone number below. Facsimile communications may be sent to facsimile number of (703) 205-8050.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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